IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 1112 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE A.K.TRIVEDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

RAJENDRASINH GOVINDSINH CHAUHAN

Versus

STATE OF GUJARAT

Appearance:

MR CHETAN B RAVAL for Petitioner

Mr. S.P. Dave, APP for Respondent-State.

CORAM : MR.JUSTICE A.K.TRIVEDI

Date of decision: 20/02/2001

ORAL JUDGEMENT

Heard learned Advocate Mr. C.B. Raval for the petitioner.

1. Rule. Learned A.P.P. Mr. S.P.. Dave waives service of rule on behalf of the respondent-State.

2. The petitioner has prayed for modification of the condition imposed by the Court of Metropolitan Magistrate, Court no.19, Ahmedabad while passing the order in the proceedings of Criminal Case no.2252/2000 for returning of Muddammal pending the proceedings.

3. The petitioner is the owner of a vehicle - Santro car bearing registration no. GJ-1 H.E- 5189 which is alleged to have been used for the offence made punishable under the Bombay Prohibition Act. The petitioner is not involved in the offence, and as such, he applied for the return of the said car from the trial Court contending that the said car would lie idle in the police station as a Muddammal which would cause damage to his property and the same may be returned to him on appropriate terms.

4. The learned Metropolitan Magistrate, Court no.19, Ahmedabad vide order dated 20-1-2001 directed to return the car to the petitioner on the conditions stated in the order. The petitioner has contended that the conditions imposed were so harsh that it would amount to not granting the relief.

5. In the facts and circumstances of the case, the impugned order dated 20-1-2001 passed by the learned Metropolitan Magistrate, Court no.19, Ahmedabad in the proceedings of Criminal Case no.2252/2000 is modified to the extent that instead of depositing cash amount of Rs.25,000/-, the petitioner shall furnish surety for a total amount of Rs.5,00,000/- instead of Rs. 4,50,000/as ordered and the petitioner shall produce the car for inspection to the concerned police station on every first Monday of English calendar month instead of 2nd and 4th Monday of each month as ordered therein. The rest of the order would remain the same.

Rule is made absolute to the aforesaid extent only. Direct service permitted.

(A.K. Trivedi,J.)

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